

8-00 2008 PITSEA  
LAWYERS LETTER

# SouthWestLaw

(Legal Services in the Community) Ltd

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G Puxton Esq.,  
1 John Harper Street  
Colchester  
CO1 1RP

Our Ref: BCC/ sec /M589/3

Your Ref:

Date: 25 February 2008

Please ask for: Brian Cox

Direct Dial: 0117 3146412

Email: debbie.mackenzie-jones@southwestlaw.org.uk

Dear Gratton,

**Re: Terminus Drive Pitsea**

I attach letter sent to Joanne, and copy of my submissions to PI.

We will be negotiating a date for the hearing soon and I expect a hearing of about four days and we need to plan.

I am wondering about tactics, much will depend on Judicial Review Decision, if the Court stop the DC from evicting at this stage I think we are better seeking to delay the hearing on the basis that the RSS can be finalised and at that stage the actual number of sites needed to be provided will be cast in stone. They will then need to indicate where the sites will be and if they cannot that strengthens the case significantly.

I do however need to see each occupier and discuss with you the evidence we need to have, including I hope some involvement from the Equalities Commission.

I would need a guarantee that every proposed occupier will be present when I come up. I am looking to a date shortly after Easter, can we arrange please?

I have now informed the PI that I am the agent and will receive papers direct, as the last delay in getting the notice made it difficult.

If however you or Candy have anything direct I must have the papers immediately

Regards

Yours sincerely

Brian Cox  
SouthWestLaw

Community  
Legal Service



Directors/Solicitors: Frances Barratt, Derek McConnell, John Peake

Consultant: Brian Cox

Registered Office: 1 Hide Market, West Street, Bristol, BS2 0BH

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Ms J McCarthy  
Plot 27 Oak Lane  
Dale Farm  
Billericay  
Essex  
CM11 2YH

Our Ref: BCC/sec/M589/3

Your Ref:

Date: 25 February 2008

Please ask for: Brian Cox

Direct Dial: 0117 3146412

Email: debbie.mackenzie-jones@southwestlaw.org.uk

Copy to Gratton Puxton 1 John Harper Street, Colchester CO1 1RP

Dear Joanne

I have now lodged your case statement with the Planning Inspectorate and attach a copy.

I have also has some helpful information about you from Gratton.

I will need to come and see all those who are seeking permission for the land at Pitsea and will make an appointment soon.

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Yours sincerely

Brian Cox  
SouthWestLaw

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**GRATTON PUXTON  
On behalf of  
DALE FARM HOUSING ASSOCIATION**

**LAND AT TERMINUS DRIVE, PITSEA, ESSEX**

**RULE 6 STATEMENT**

The Appellant has served a very detailed Grounds of Appeal and relies upon that document to detail the basis of the Appeal.

1. As is revealed the appeal site is an area of land is part of a larger area of land, presently owned by English Partnerships and situate at Terminus Drive, Pitsea Essex.
2. Whilst the larger area of land has been designated in the local plan for employment purposes, it appears that both the Basildon Council and English Partnerships have now decided that, without actually amending the Local Plan they are, themselves proposing to encourage and favourably consider a planning application for a Local sports Club (it is believed to be the Basildon Soccer Club)
3. That will include the need to construct a spectators' stand and changing facilities and a very significant area for parking etc.,
4. This application was lodged by the Dale Farm Housing Association, who are a group formed specifically to assist gypsies (predominately Irish gypsies) who own land at Dale Farm Basildon and, following the refusal of planning applications are now threatened by Basildon Council with direct action to evict them from the land.
5. The Basildon Council have adopted a very proactive approach to remove the occupiers at Dale Farm, including direct action and a Judicial Review of the Council's decision was heard in the week commencing 11<sup>th</sup> February 2008, judgment was reserved, but a copy thereof will be produced for the eventually hearing.
6. The appellants' sought and seeks permission for change of use to enable gypsies to occupy the appeal site together with their families in Mobile Homes/caravans together with the placement on the land of associated ancillary buildings and development.

7. Evidence will be given at the hearing by, or on behalf, of gypsies who would occupy the land, if permission is granted. There are at about 50 families who are vulnerable and likely to be forced to live on the roadside they are evicted from Dale Farm. However the proposal is only for the most vulnerable, to occupy Terminus Drive, those who simply would be at very serious risk, if they were evicted with no where to go.

8. The Draft RSS has now been published and that indicates that there is a severe lack of provision for gypsies in the Region and that Basildon must find 81 pitches within three years.

9. The need to make significant provision has been identified by many Planning Inspectors in the past seven years and the lack of sites has been in part caused because the major part of the area is metropolitan green belt in which development is strictly controlled.

8. The Basildon Council are and have been aware of the lack of sites and the consequential lack of site provision for many years and yet have done nothing to seek or find land for sites or address the overwhelming need which has been indentified

9. The appeal site is 'brown land' and of a type and in a location which is recommended in **Circular 1/2006**. The land has been identified as land appropriate for development and, whilst the Councilors are prepared to change the use for the land from an 'employment use' they prefer to allow a football club to move there, rather than use the land (or part of the land) to address the severe unmet need for gypsies.

10. The approach of this Council has now been noted by the Equality and Human Rights Commission who were represented at the recent Judicial Review hearing.

11. At the hearing of this appeal, the appellant will also make reference to the apparent approach of the Local MP who, according to newspaper reports appears to be conducting a campaign against gypsies, indeed it has been suggested that the whole of the land is to be occupied by gypsies, rather than the limited application which appears before the Inspector at this time.

12. The appeal is simply for the most vulnerable of those on Dale Farm and is, at this stage, limited to a period of five years. This is a suitable period to enable the Council to seek out land in a positive manner for the

81 pitches they must find. If they are successful then the proposed occupiers can move to that land.,

13. The Grounds of Appeal paragraph 22 refers to the other objections based on

- \* Sewerage
- \* Noise nuisance (to the gypsy)
- \* increase in traffic movements,
- \* Contaminated land
- \* Adding a burden to local services.

14. AS indicated, if one considers that the proposal is for a site for five gypsy families and the proposed use is either for the creation of employment or as a Sports Club (football stadium) then one wonders why the council consider that the latter uses should also not be refused for the same reasons. Indeed the traffic movements, effect on the sewers etc and also the concerns about noise pollution and contaminated land are surely greater for the councils proposed usage.

15. The appellant in paragraph 25 of the Grounds of Appeal expressed concern that the officers in their report make no mention of **1/2006**, the progress with the assessment and the decisions of various Inspectors that there is a lack of site provision in the area. In fact there is nothing within the report which attempts to indicate any reason why an approval might be appropriate, the report has therefore approached the application with a closed mind, which is to be regretted.

16. The basis for the present appeal is that there is a lack of site provision and that there will be severe problems for all the occupiers of Dale Farm if they are evicted and yet no comments are made about the eviction of gypsies from Dale Farm, nor the fact that they have and have not had anywhere to go, nor of the problems that such eviction would create, both to the gypsies and those on whose land they will unlawfully occupy if evicted.

17. The report also pays no attention to the huge cost to Police and Local Authorities as they are forced to act to move gypsies from road side verges and other land.

18. There is also no discussion to confirm that this was an area of land

proposed by Mr. Prescott for a gypsy site and that the granting of the application would in some small way have helped to address the lack of site provision in the area. A matter which, even if the Officers considered the site not suitable should, at least, have been discussed.

19. The appellant has made reference to the Human Rights Act and the need for a proportionate approach in the Grounds of Appeal and will address those issues at the hearing.

Dated 25<sup>th</sup> February 2008.

South West Law Limited